

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:13-CR-481-T-17

TIMOTHY LAVIEL JACKSON.

\_\_\_\_\_ /

ORDER

This cause is before the Court on:

Dkt. 77 Motion for Jurisdiction

Defendant Timothy Laviel Jackson, *pro se*, seeks a determination of whether the State of Florida or the United States has jurisdiction of Defendant Jackson.

Defendant Jackson asserts that there is a conflict between the terms of the state sentence that Defendant Jackson is serving and the terms of Defendant Jackson's federal sentence. Defendant Jackson has been ordered to remain in the custody of the Florida Department of Corrections to complete the state sentence, which contradicts Defendant Jackson's federal sentence to remain in the custody of the U.S. Marshal.

1. Background

Defendant Jackson was in state custody at the time the Indictment was filed; the Government filed a Motion for Writ of Habeas Corpus Ad Prosequendum to bring Defendant Jackson before this Court.

Defendant Jackson was sentenced on Counts 1, 2 and 4 on June 17, 2014. (Dkts. 57, 58). Defendant Jackson was sentenced to a term of imprisonment of 180 months imprisonment on Counts 1, 2, 4, concurrent, and to run concurrently with the term of imprisonment in Docket Numbers 2011CF6548, 2011CF15493 and 2012CF15869 in Hillsborough County, Florida; a term of supervised release of 60 months on Counts 1, 2, 4, concurrent; fine waived, and a special assessment fee of \$300.00.

Defendant Jackson previously requested an order transporting Defendant Jackson from state custody to federal custody. The Court denied the Motion, finding that the

authority to transport Defendant is with the Bureau of Prisons. (Dkt. 75).

Defendant Jackson was sentenced on the state charges on March 8, 2013. Defendant Jackson had already been sentenced for the state charges when Defendant Jackson was sentenced for the federal charge. The Florida Department of Corrections had primary jurisdiction.

When Defendant Jackson was sentenced in this case, pursuant to 18 U.S.C. Sec. 3584, the Court had the authority to direct that the federal sentence run concurrently with the state sentence. Defendant Jackson was returned to the custody of the State of Florida after sentencing.

## 2. Discussion

Defendant Jackson requests that the Court make a determination of jurisdiction as between Defendant Jackson's state sentence and federal sentence.

The Court construes Defendant's Motion as a request for the Court to direct the Florida Department of Corrections to transfer the custody of Defendant Jackson to the Bureau of Prisons.

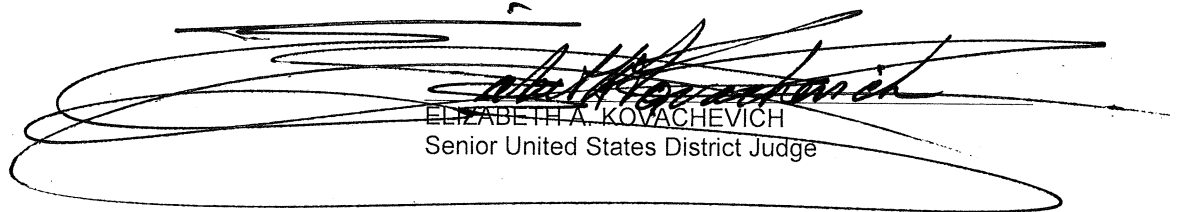
The Court previously denied Defendant Jackson's Motion to Transport. Defendant Jackson can communicate with the Bureau of Prisons and/or the Florida Department of Corrections at present to determine the required procedure for designation. Defendant Jackson does not assert that the Bureau of Prisons has designated the Florida facility as a federal facility for service of Defendant's concurrent state and federal sentences. Therefore, when Defendant Jackson completes service of Defendant's state sentence, the Court expects that Defendant Jackson's custody will be transferred to the Bureau of Prisons for service of Defendant's federal sentence. Defendant Jackson can request a retroactive determination at that time.

After consideration, the Court denies Defendant Jackson's Motion for Jurisdiction without prejudice, and directs Defendant Jackson to communicate the Bureau of Prisons and the Florida Department of Corrections to resolve this issue. Accordingly, it is

**ORDERED** that *pro se* Defendant Timothy Laviel Jackson's Motion for Jurisdiction (Dkt. 77) is **denied without prejudice**; the Court **directs** Defendant Jackson to communicate with the Bureau of Prisons and the Florida Department

of Corrections to determine the required procedure for designation.

**DONE and ORDERED** in Chambers in Tampa, Florida on this 18<sup>th</sup>  
day of November, 2019.



ELIZABETH A. KOVACHEVICH  
Senior United States District Judge

Copies to:

All parties and counsel of record

**Pro Se** Defendant:

Timothy Laviel Jackson  
T66538  
Orlando East Unit  
7000 H,C, Kelley Road  
Orlando, FL 32831